

REMARKS

The Official Action mailed April 16, 2009 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Applicants have incorporated certain limitations of claims 10 and 25 into independent claims 9 and 23, respectively. In particular, independent claims 9 and 23 have been amended to recite that the claimed actuator includes “a spring providing a bias force for biasing said lever toward said second position” and that the plunger is compressed between the lever roller and the stationary roller “by said biasing force.” Claims 10, 25 and 26 have been cancelled without prejudice. Support for these amendments may be found throughout the specification, e.g. at page 5, lines 5-10 and 19-21 and FIG. 3. No new matter is believed to have been added.

35 U.S.C. §103(a)

Claims 9, 10, 12, 23, 25, 26, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi et al. (U.S. Patent No. 5,421,792, hereinafter “Kataumi”) in view of Smale et al. (U.S. Patent No 5,566,581, hereinafter “Smale”). Applicants respectfully traverse the rejections.

Independent claim 9, as amended, recites:

9. An actuator comprising:

a base plate;

a lever pivotally mounted to said base plate by a pin, said lever comprising a lever roller, and said lever being pivotable between a first position and a second position;

a spring providing a bias force for biasing said lever toward said second position;

a stationary roller disposed on said base plate;

a solenoid mounted to said base plate and comprising a plunger moveable between an extended position and a retracted position, wherein said plunger is compressed between said lever roller and said stationary roller *by said bias force* in said extended position of said plunger and in said first position of said lever, preventing said lever from pivoting to said second position.

Independent claim 23, as amended, recites:

23. An actuator comprising:

a base plate;

a latching lever pivotally mounted to said base plate by a pin and pivotable between at least a first position and a second position, said lever comprising a lever bearing surface;

a spring providing a bias force for biasing said lever toward said second position;

a stationary bearing surface; and

a solenoid mounted to said base plate and comprising a plunger moveable between an extended position and a retracted position, wherein in said first position of said lever and in said extended position of said plunger, said plunger is compressed between said lever bearing surface and said stationary bearing surface *by said biasing force* blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position.

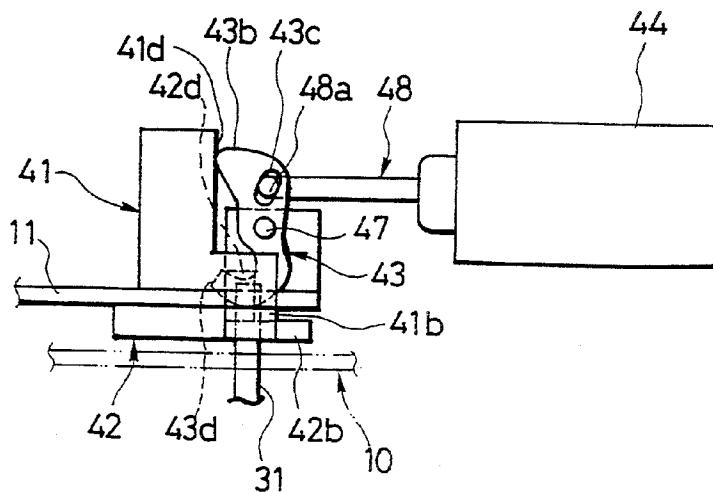
As discussed in the specification, at page 5, lines 5-15, a configuration wherein the plunger is compressed between a lever bearing surface and a stationary bearing surface, as claimed, allows use of a relatively low power solenoid since the solenoid is not itself required to resist motion of any element.

The Official Action concedes that Kataumi does not disclose a plunger “compressed between said lever bearing surface and said stationary bearing surface.” *Official Action dated April 16, 2009, page 4.* In rejecting original claims 10 and 25, however, the Official Action asserted that Kataumi includes a spring 46 for biasing the lever. *Id.* Independent claims 9 and 23, as amended, require the lever be biased *by a biasing force* from a spring and that the plunger be “*compressed between*” the lever roller and stationary roller “*by said biasing force*.” Following the logic of the Official action, if Kataumi does not disclose a plunger that is compressed between a lever bearing surface and a stationary bearing surface, it certainly cannot disclose a spring that provides a biasing force for causing such compression. Indeed, Kataumi clearly does not provide such a disclosure.

The Official action equates element 42b of Kataumi with the claimed lever and element 48 of Kataumi with the claimed plunger. *Official Action dated April 16, 2009, page 3.* Not only is Kataumi devoid of any teaching or suggestion of a plunger compressed between a lever bearing surface and a stationary bearing surface by a biasing force provided a spring for biasing a

lever, *the element 42b in Kataumi does not even contact the plunger 48* in Kataumi. This is clearly shown clearly in FIG. 10 of Kataumi, which is reproduced below.

FIG. 10



Instead, as discussed in Applicants response of March 30, 2009, the solenoid in Kataumi solenoid pulls and pushes an element into locking and unlocking positions. There is no compression of the plunger and no spring that provides a biasing force, as claimed.

Applicants find nothing in Smale that teaches or suggest an actuator including a lever that is biased by spring that provides a biasing force and a plunger that is “compressed between” the lever roller and stationary roller “by said biasing force”, as claimed. Indeed, the Official Action does not cite Smale as providing such a teaching. Thus, even if there was some motivation in the art to combine the teachings of Kataumi and Smale, there is no combination of these references that one could make to achieve the claimed invention.

Applicants respectfully submit, therefore, that independent claims 9 and 23, are patentable over Kataumi in view of Smale under 35 USC § 103(a). Claims 10, 25 and 26 have been cancelled without prejudice. Claims 12 and 27-28 depend from claims 9 or 23 and are also patentable, at least by virtue of their dependency. Applicants respectfully request, therefore, that

the rejection of claims 9, 10, 12, 23 and 25-28 under 35 USC § 103(a) as being unpatentable over Kataumi in view of Smale, be withdrawn upon reconsideration.

Dependent claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi in view of Smale in further view of Dörr et al. (U.S. Patent No. 5,379,872, hereinafter “Dorr”). Dependent claims 13 and 29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi in view of Smale in further view of Mochida (U.S. Patent No. 4,473,141, hereinafter “Mochida”). Applicants respectfully request reconsideration of these rejections.

Claims 13, 24 and 29 depend from independent claims 9 or 23. Applicants respectfully submit that none of the additional references disclose or suggest the limitations missing from Kataumi and Smale, nor have they even been asserted to provide such teachings. As such, these claims are believed to be allowable over the cited references by virtue of their dependency as well as for their own limitations.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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